

MAR - 7 2013

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

Robinson

Civil Action No. 11-01347

versus

Judge Richard T. Haik, Sr.

Taylor, et al

Magistrate Judge C. Michael Hill

MEMORANDUM RULING

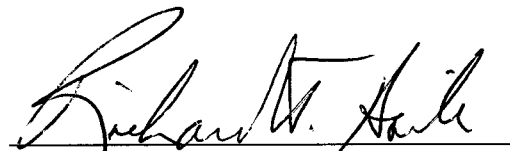
Before the Court is an unopposed Motion for Summary Judgment filed by defendants Earl Taylor, individually and in his official capacity as District Attorney, Charles Cravins and the St Landry Parish District Attorney's Office.¹ [Rec. Doc. 26]. "A motion for summary judgment cannot be granted simply because there is no opposition, even if failure to oppose violated a local rule. The movant has the burden of establishing the absence of a genuine issue of material fact and, unless he has done so, the court may not grant the motion, regardless of whether any response was filed." *Hetzel v. Bethlehem Steel Corp.*, 50 F.3d 360, 362 (5th Cir. 1995). The failure to file an opposition and statement of contested material facts requires the Court to deem defendant's Statement of Uncontested Material Facts admitted for purposes of this motion. *L. R. 56.2W*.

Plaintiff was employed by the St. Landry Parish District Attorney's office from 1998 until her resignation in 2009. Plaintiff filed this action in the 27th Judicial District Court, St. Landry Parish under Title VII asserting claims of sexual harassment, gender discrimination,

¹ Pursuant to Local Rule 7.5W, the deadline for filing any opposition to the motion was February 21, 2013.

retaliation, and intentional infliction of emotional distress. *R. 1.* Her action was subsequently removed to this Court. *Id.* Defendants filed this motion asserting that all of plaintiff's claims should be dismissed with prejudice as there are no genuine issues of material fact that gender or any protected activity motivated any change in her employment, there is no support for her sexual harassment claim, there is no evidence that she was retaliated against and she was not subjected to intentional infliction of emotional distress. The Court agrees.

After fully considering the evidence before the Court, including defendants' brief and uncontested statement of facts as well as the applicable jurisprudence, the Court finds that defendants have established the absence of a genuine issue of material fact that they are entitled to judgment as a matter of law.


Richard T. Haik, Sr.
United States District Judge